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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,603	01/09/2002	Gary A. Kasper	71189-1383	7005

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[REDACTED] EXAMINER

SNIDER, THERESA T

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1744

30

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/042,603	KASPER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Theresa T. Snider	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 March 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 23-47 and 52-58 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 and 48-51 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____                                     |

**DETAILED ACTION*****Claim Rejections - 35 USC § 112***

1. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, lines 27, 29 and 31, should 'recovery chamber' be 'recovery tank'? If not,

please inserted 'liquid' before 'recovery' for greater clarity;

Line 34, 'a surface' should be replaced with 'the surface'.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasen et al.('472) in view of Hansen et al.('542).

Kasen et al.('472) discloses a similar apparatus however fails to disclose a liquid protectant solution.

Kasen et al.('472) discloses a base housing (fig. 1, #14).

Kasen et al.('472) discloses an upright handle pivotally mounted to the housing (fig. 1, #18).

Kasen et al.('472) discloses a liquid supply tank (fig. 1, #20). Kasen et al. ('472) discloses the supply tank containing a liquid other than a cleaning liquid (col. 19, lines 18-27).

With respect to claims 48-50, Hansen et al.('542) discloses the use of a liquid protectant solution, a miticide and stain repellent, in a supply tank of a portable surface cleaning apparatus (col. 3, lines 53-61 and col. 5, lines 40-61). It would have been obvious to one of ordinary skill in the art to provide the protectant solutions of Hansen et al.('542) in Kasen et al.('472) to allow for the desired treatment of a surface using a conventional surface treatment apparatus.

Kasen et al.('472) discloses a liquid supply conduit connected to the tank and a dispenser with a fluid delivery system for delivering liquid from one to the other (col. 8, lines 58-67).

Kasen et al.('472) discloses a recovery tank mounted to the housing (fig. 1, #30).

Kasen et al.('472) discloses a suction nozzle associated with the housing (fig. 1, #318, 52).

Kasen et al.('472) discloses a working air conduit between the recovery tank and the nozzle and in fluid communication with the recovery tank (col. 13, lines 60-65)

4. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasen et al.('472) in view of Hansen et al.('542) as applied to claim 48 above, and further in view of Scholla et al..

Kasen et al.('472) in view of Hansen et al.('542) discloses a similar apparatus however fails to disclose the protectant solution being a mildew repellent solution.

Kasen et al. ('472) discloses the supply tank containing a liquid other than a cleaning liquid (col. 19, lines 18-27). Scholla et al. discloses the use of a surface cleaning apparatus to apply a mildew and stain repellent composition to a surface (col. 4, lines 58-68, col. 8, lines 3-10 and col. 9, lines 37-41). It would have been obvious to one of ordinary skill in the art to provide

the mildew repellant of Scholla et al. in Kasen et al.('472) in view of Hansen et al.('542) to allow for the desired treatment of a surface using a conventional surface treatment apparatus.

***Allowable Subject Matter***

5. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

6. Claims 2-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 49-51 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kamrath et al. discloses the use of a surface cleaning apparatus to apply a stain repellant to a surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

Art Unit: 1744

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Theresa T. Snider  
Examiner  
Art Unit 1744

TTS  
May 29, 2003